

H.R. 5835 provides safeguards to: Amend FISMA (Federal Information Security Management Act) to authorize the Director of OMB to establish data breach policies for agencies to follow in the event of a breach of data security involving the disclosure of sensitive personal information and which harm to an individual could reasonably be expected to result; Amend FISMA to clarify authority of Chief Information Officer to enforce data breach policies and develop and maintain IT inventories; Amend FISMA to define sensitive personal information as "any information about an individual maintained by an agency, including: education, financial transactions, medical history, criminal or employment history; information that can be used to distinguish or trace the individual's identity, including name, Social Security number, date and place of birth, mother's maiden name, or biometric records; or any other personal information that is linked or linkable to the individual;

Create the position of Under Secretary for Information Services in the VA and mandates that this individual serve as the VA's CIO;

Mandate that the office of the Under Secretary for Information Services shall consist of the three Deputy Under Secretaries (at least one of whom is to be a career employee);

Call for the VA to ensure that the VA has the authority and control necessary to execute responsibilities under FISMA and requires an annual FISMA compliance report to be submitted to the Committees on Veterans' Affairs of the House and Senate, the House Government Reform Committee, and the Senate Homeland Security and Governmental Affairs Committee; it also requires a monthly report from the VA CIO to the VA Secretary regarding compliance deficiencies; and to require immediate notification by the CIO to the VA Secretary of any data breach, and notice by the VA to the Director of OMB, VA IG, and if appropriate, to the FTC and Secret Service;

Require quarterly reports from the VA to the Committees on Veterans' Affairs of the House and Senate on any data breach that occurred in the previous quarter and to also require prompt notice in the event of a significant data breach;

Require the VA to undertake, as soon as possible after a data breach, an independent risk analysis (conducted by a non-VA entity). The Secretary shall then make a determination, based upon this analysis, if there exists a reasonable risk for potential misuse of the compromised data. If the Secretary does determine that this potential exists, then the VA is required to provide credit protection services. In the event of any data breach, the VA shall notify all affected individuals of the breach and inform them that they may request, at no charge, a fraud alert and a credit security freeze for a period of one year. The notification is to clearly spell out the advantages and disadvantages to requesting these actions;

Require the VA to provide credit protection services, including data breach analysis, credit monitoring services and identity theft insurance, to covered individuals (defined as individuals whose sensitive personal information is involved in a data breach, on or after August 1, 2005 for which the Secretary determines a reasonable risk exists for the potential misuse of the sensitive personal information). Authorizes the VA to contract with other government agencies and credit reporting agencies to provide these services;

Require that when the VA enters into a contract that the contractor shall not compromise any sensitive personal information. In the event of a breach, the contractor shall pay liquidated damages (which will then be used by the VA to provide credit protection services);

Require the VA to submit a report not later than 180 days after enactment concerning the feasibility of using Personal Identification Numbers for identification purposes in lieu of Social Security numbers;

Require the President to nominate the Under Secretary for Information Services and the VA to appoint the Deputy Under Secretaries within 180 days of enactment. Requires a report on the progress of the nomination and appointments every 30 days.

All of these measures are essential pieces to ensuring that the privacy of personal sensitive data of all of our citizens is not compromised. We are far behind in taking action to ensure that integrity of information in this nation. This bill is an important first step.

I urge my colleagues to support this resolution.

Mr. WAXMAN. Mr. Speaker, I support the goal of H.R. 5835 to strengthen security of personal data held by the Government, but believe that more should be done. For the Department of Veterans Affairs, this bill provides more training for employees on privacy issues, independent risk analysis of data breaches, credit freezes for persons whose data has been compromised, and more. This is an important step in light of recent data losses at the VA.

But the detailed requirements in this bill only apply to the Department of Veterans Affairs. For the rest of the Government, none of this is required, even though our committee's inquiries have uncovered serious breaches in other Federal agencies. For example, the Department of Commerce recently reported the loss of more than 1,000 laptop computers, some containing census information. To protect the privacy of personal information, we should require increased training, accountability, and reporting in all Federal agencies, not just the VA.

I am also concerned about the procedures under which this bill has come to the floor. Although primarily a VA bill, this bill also includes amendments to the Federal Information Security Management Act, FISMA, a government-wide law, in the jurisdiction of the Committee on Government Reform. Some of these provisions were in the reported version of this bill, and some were just added by amendment today from a bill introduced yesterday. None of these government-wide provisions were considered in the Committee of Government Reform.

H.R. 5835 now includes 2 different definitions of "sensitive personal information"—one applying to the entire government under FISMA, and another applying to the Department of Veterans Affairs. Had this bill proceeded through the regular committee process, inconsistencies like this could have been resolved and a clearer, more comprehensive bill reported to the floor. I hope that Congress will consider additional legislation to clarify the patchwork of laws and regulations currently in place and extend stronger data security requirements to the entire Federal Government.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, although the Rules of the House of Representatives do not allow me to co-sponsor

H.R. 5835, the Veterans Identity and Security Act of 2006, I wish to express my full support for this bill. My district is home to tens of thousands of veterans from every branch of the military, and this legislation will be extremely helpful to my constituents. The recent loss of data affecting over 26.5 million current and former service members was extremely unfortunate, and it became clear that the Department's data security and notification practices needed an overhaul. I believe this legislation will enable the Department of Veterans Affairs to better protect the personal identification data of those who have served and are serving our country, and I am pleased that we are taking steps to prevent these incidents in the future.

As our country increasingly relies on electronic information storage and communication, it is imperative that our Government amend our information security laws accordingly. This legislation will help in this effort, and I am wholeheartedly supportive.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time and urge all Members to support this legislation.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 5835, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5835.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### ENCOURAGING ALL OFFICES OF THE HOUSE OF REPRESENTATIVES TO HIRE DISABLED VETERANS

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1016) encouraging all offices of the House of Representatives to hire disabled veterans.

The Clerk read as follows:

#### H. RES. 1016

Whereas the men and women of our armed forces play a central role in preserving our Nation's freedom;

Whereas disabled veterans have sacrificed greatly for their country;

Whereas one way for our Nation to repay its debt to those disabled veterans is to help disabled veterans return to their previous lifestyle;

Whereas Congress relies on knowledgeable staff to help formulate policy;

Whereas disabled veterans provide unique perspectives on a range of issues, especially regarding national security;

Whereas Members who are veterans or reservists have played a leading role throughout the history of Congress; and